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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,349	03/03/2000	Cary Lane Rohwer	ST9-99-128	5134

23373 7590 11/10/2003
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 11/10/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/518,349

Applicant(s)

ROHWER, CARY LANE

Examiner

Anita Choudhary

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 10/9/2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-53.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


GLENON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because: The applicants arguments are not persuasive. The final office action dated May 9, 2003 stands. Applicant submitted after final response consisting of only arguments. A response to the after final arguments has been presented to the applicant (see attached). No after final claim amendments have been submitted, therefore no after final amendments are being entered for purposes of Appeal.

Response to Arguments

Applicant's arguments filed October 9, 2003 have been fully considered but they are not persuasive.

In regards to claim 1, 19, and 37, the claims state a “node resides in a first time zone and said selected media server resides in the second time zone, wherein there is a time difference between said first and second time zones; at said node, displaying graphical information indicative of a current local time at said selected media server”. The claim language indicates the node displaying the current local time of a remote media server located at another time zone. It is safe to assume that the media server is located at a second time zone physically remote from the node. Hence the node or client is displaying current local time of the second time zone as the current local time of the media server.

Applicant argues that a person of ordinary skill in the art would not have been motivated to modify the Sequeira and Bowman based on reference shown by Fu. Fu relates to a personal information manager including calendar/scheduling system for tracking and displaying different types of time including “home time” and “remote time”. A remote time is the time in the time zone where another individual is located (col. 4 lines 55-67). Applicant specifically points out that home and remote time disclosed by Fu are related to people as opposed to a machine. Nonetheless it is inherent to the system shown by Fu that the remote time for a person is the same time for that person's machine. A person and a machine in the same time zone have the same current time. Fu does shows scheduling with individuals at remote locations (col. 4 lines 25-53). However it is inherent to the system that a person located in a time zone and a machine used by that person for the purpose of executing scheduled events (internet chat

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sessions, or the like) have identical current times. Fu further points out how this technology can be helpful in a social business sense (col. 1 lines 42-50). However this is not meant to limit the scope of the invention to only being concerned with contacting individuals at appropriate times. Fu displays the current time of a remote location and how this displayed information is ultimately used is up to the user.

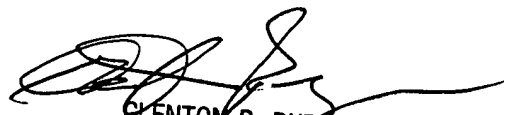
Therefore it is the examiners conclusion that it is inherent as well as evident to person of ordinary skill in the art that remote individuals and their machines are one in the same with respect to current local time. And it would have been obvious to one of skill in the art to modify the system disclosed by Sequria in view of Bowman to employ the features shown by Fu in order for a user to know the local time of a remote location before executing a procedure (see Fu, col. 4 lines 25-40).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
November 4, 2003


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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